

RESOLVING CONFLICT..

**...Following the Light
of Personal Behavior**

NP-15620

ROLES AND RESPONSIBILITIES

The Informal Resolution System identifies four roles. You may find yourself identifying with a different role depending on the circumstances.

- A. I am the **RECIPIENT** who feels offended or harassed by someone's behavior.
- B. I am the **OFFENDING PERSON** who may have offended or harassed another.
- C. I am the **OTHER PERSON** who has been approached by the recipient, the offending person, or who has observed discrimination, harassment or other inappropriate behavior.
- D. I am the **SUPERVISOR** who has been approached by the recipient, offending person, other person or who has personally observed discrimination, harassment or other inappropriate behavior.

Regardless of your role in a conflict, keep in mind the following individual responsibilities:

- *I do not ignore conflict*
- *I review resolution options*
- *I take action to reach resolution*

A: IF I HAVE BEEN HARASSED OR OFFENDED

- *I do not ignore it.*
- *I review my resolution options.*
- *I take action to reach a resolution.*

A: When I feel I am the recipient of harassing or offending behavior ...

Evaluate

- What exactly happened?
- What was the impact of the behavior?
- Did it disrupt the work environment?
- Would it have offended a reasonable person?
- Was behavior **RED, YELLOW or GREEN**?
- What are my responsibilities and options?

Take Action:

If behavior is RED:

- *Inform chain of command of actions taken or needed.*
- *Determine whether taking formal action is appropriate or whether system can resolve problem.*

If behavior is YELLOW:

- *Approach the offending person directly to discuss the situation. (Approach in a non-accusatory manner, in case behavior may have been misunderstood).*
- *Send a letter to the offending person stating the facts and my feelings about the matter.*
- *Ask another person or supervisor to advise me, accompany me to the offending person, or intervene on my behalf.*
- *Ask for a Training Information Resource (TIR) for the workplace.*

If behavior is GREEN:

- *No action is required.*

Sample Format for Letter

From: (Name of recipient)

To: (Name of offending person)

1. State the facts. Be specific.

Example: On (date), at (place)

When you...

You did...

You said...

Your actions (specify behaviors)...

2. State your feelings about the behavior. Be specific.

Example: Your behavior affected my...

I was offended/embarrassed...

I felt...

I am angry because...

3. List what you want or expect the offending person to do.

Example: I want you to stop (list behavior)...

I expect you to...

Remember: If informal options are not successful, you may take formal action through the chain of command.

B: IF I LEARN I HAVE HARASSED OR OFFENDED

- *I do not ignore it.*
- *I listen to understand.*
- *I review my resolution options.*
- *I take action to reach a resolution.*

B. When I feel I may have harassed or offended ...

Evaluate

- What exactly happened?
- What was the impact of the behavior?
- Did it disrupt the work environment?
- Would it have offended a reasonable person?
- Was behavior RED, YELLOW or GREEN?
- What are my responsibilities and options?

If behavior is RED:

- *Stop behavior immediately.*
- *Seek legal counsel or assistance to know and understand my rights.*

If behavior is YELLOW:

- *Change behavior.*
- *Apologize.*
- *Ask another person or supervisor to advise me, accompany me to the recipient, or intervene on my behalf.*
- *Ask for a Training Information Resource (TIR) for the workplace.*

If behavior is GREEN:

- *Clarify with another person or a supervisor that behavior is acceptable.*
- *Ask another person or supervisor to advise me, accompany me or intervene on my behalf.*
- *Talk with the recipient to discuss how the two of us can communicate more effectively.*

C: IF I OBSERVE OR AM APPROACHED ABOUT HARASSMENT

- *I do not ignore it.*
- *I listen to understand*
- *I offer to intervene and support if appropriate.*
- *I maintain confidentiality when possible.*
- *I take action to reach a resolution.*

Evaluate

- What exactly happened?
- What was the impact of the behavior?
- Did it disrupt the work environment?
- Would it have offended a reasonable person?
- Was behavior RED, YELLOW or GREEN?
- What are my responsibilities and options?

If unsure how to proceed, seek advice.

A to C: When approached by a person who feels harassed or offended ...

Take Action

If behavior is RED:

- *Encourage recipient to use the formal complaint process or determine whether the Informal Resolution System can resolve the problem.*
- *Inform chain of command, if appropriate.*
- *Refer all parties to support services.*

If behavior is YELLOW:

- *Encourage directly approaching the offending person.*
- *Suggest the recipient send a letter to the offending person.*
- *Offer to intervene or accompany recipient to the offending person or supervisor.*
- *Ask for a Training Information Resource (TIR) for the workplace.*

If behavior is GREEN:

- *Advise recipient behavior is not inappropriate and explain why.*

B to C: When approached by a person who feels he or she may have harassed or offended ...

Take Action

If behavior is RED:

- *Advise offending person to stop behavior and to seek legal counsel or assistance.*
- *Inform chain of command if appropriate.*
- *Refer all parties to support services.*

If behavior is YELLOW.

- *Encourage offending person to stop behavior and apologize.*
- *Offer to intervene or accompany the offending person to the recipient or supervisor.*
- *Ask for a Training Information Resource (TIR) for the workplace.*

If behavior is GREEN:

- *Advise the offending person the behavior is acceptable and explain why.*
- *Encourage offending person to talk with the recipient and discuss the situation.*

C: When I observe harassing or offending behavior...

Take Action

If behavior is RED:

- *Stop behavior if possible.*
- *Inform chain of command, if appropriate.*
- *Encourage recipient to use the formal complaint process if the Informal Resolution System cannot resolve the problem.*
- *Refer all parties to appropriate support services*

If behavior is YELLOW:

- *Stop offending behavior if possible.*
- *Encourage the recipient to approach offending person directly or in writing.*
- *Offer to intervene or accompany the recipient to the offending person or supervisor.*
- *Approach the offending person, indicate what I observed, recommend that the person apologize and correct behavior.*
- *Ask for a Training Information Resource (TIR) for the workplace.*

If behavior is GREEN:

- *No action required*

D: IF I AM A SUPERVISOR WHO OBSERVED OR IS APPROACHED ABOUT HARASSMENT

Evaluate

- *What exactly happened?*
- *What was the impact of the behavior?*
- *Did it disrupt the work environment?*
- *Would it have offended a reasonable person?*
- *Was behavior RED, YELLOW or GREEN?*
- *What are my responsibilities and options?*

A to D: When approached by a person who feels harassed or offended ...

Take Action

If behavior is RED:

- *Take corrective action.*
- *Inform chain of command, if appropriate.*
- *Encourage recipient to use the formal complaint process or determine whether the Informal Resolution System can resolve the problem.*
- *Refer all parties to support services.*

If behavior is YELLOW:

- *Take corrective action.*
- *Refer all parties to support services.*
- *Offer to intervene or accompany the recipient to the offending person.*
- *Ask for a Training Information Resource (TIR) for the workplace.*
- *Follow-up to ensure resolution.*

If behavior is GREEN:

- *Advise recipient behavior is acceptable and explain why.*

B to D: When approached by a person who feels he or she may have harassed or offended...

Take Action

If behavior is RED:

- *Advise offending person to stop the behavior.*
- *Advise that corrective action may result and to seek legal counsel or assistance.*
- *Inform the chain of command, if appropriate.*
- *Determine whether the Informal Resolution System can resolve the problem.*
- *Refer all parties to support services.*

If behavior is YELLOW:

- *Advise offending person to stop behavior and encourage to apologize.*
- *Take corrective action.*
- *Refer both parties to support services.*
- *Offer to intervene or accompany the offending person to the recipient.*
- *Ask for a Training Information Resource (TIR) for the workplace.*

If behavior is GREEN:

- *Advise offending person behavior was acceptable and explain why.*

C to D: When approached by a person who feels he or she may have observed harassing or offending behavior...

Instruct the observer on the need for confidentiality and discretion.

Take Action

If behavior is RED:

- *Take corrective action.*
- *Notify chain of command, if appropriate.*
- *Discuss Informal Resolution System and formal complaint process to determine the best course of action for the recipient*

If behavior is YELLOW:

- *Take corrective action.*
- *Provide remedial training using TIR material.*
- *Follow-up to ensure resolution.*

If behavior is GREEN:

- *No action required.*

D: When I observe offensive or harassing behavior...

Take Action

If behavior is RED:

- *Stop behavior.*
- *Take corrective action.*
- *Notify the chain of command, if appropriate.*
- *Advise the recipient of Informal Resolution System and formal complaint options.*

If behavior is YELLOW:

- *Stop behavior.*
- *Take corrective action.*
- *Provide remedial training using TIR material.*
- *Follow-up to ensure resolution.*

If behavior is RED:

- *No action required.*

**DEPARTMENT OF NAVY
DEFINITION OF SEXUAL HARASSMENT**

Sexual harassment is a form of sex discrimination that involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical nature of a sexual nature when:

- a. Submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of a person's job, pay, or career, or
- b. Submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person, or
- c. Such conduct interferes with an individual's performance or creates an intimidating, hostile, or offensive environment.

Any person in a supervisory or command position who uses or condones implicit or explicit sexual behavior to control, influence, or affect the career, pay, or job of a military member or civilian employee is engaging in sexual harassment. Similarly, any military member or civilian employee who makes deliberate or repeated unwelcome verbal comments, gestures, or physical contact of a sexual nature is also engaging in sexual harassment.

PREVENTION OF SEXUAL TRAINING ZONE EXAMPLES

GREEN ZONE These behaviors are not sexual harassment:

Performance counseling, touching which could not reasonably be perceived in a sexual way (such as touching someone on the elbow), counseling on military appearance, social interaction, showing concern, encouragement, a polite compliment, or friendly conversation.

YELLOW ZONE Many people would find these behaviors unacceptable, and they could be sexual harassment:

Violating personal "space", whistling, questions about personal life, lewd or sexually suggestive comments, suggestive posters or calendars, off-color jokes, leering, staring, repeated requests for dates, foul language, unwanted letters or poems, sexually suggestive touching, or sitting or gesturing sexually.

RED ZONE These behaviors are always considered sexual harassment:

Sexual favors in return for employment rewards, threats if sexual favors are not provided, sexually explicit pictures (including calendars or posters) or remarks, using status to request dates, or obscene letters or comments. The conduct, e.g., sexual assault (ranging from forcefully grabbing to fondling, forced kissing, or rape).

NOTE:

Keep in mind that the above examples are used as guidance only, that individuals believe they are being sexually harassed based on their perceptions, that each incident is judged on the totality of facts in that particular case, and that individuals' judgment may vary on the same facts. Any time sexual behavior is introduced into the work environment or among co-workers, the individuals involved are on notice that the behavior may constitute sexual harassment.

GLOSSARY OF TERMS

1. Career or Employment Decisions

The decision must concern some aspect of the employment, career, pay, duty assignment, benefits, or privileges of another.

2. Condition

To make some aspect of another's employment, career, pay, duty assignment, benefits, or privileges contingent upon fulfillment of some requirement the maker thereof has no right to impose.

3. Discrimination

For purposes of this instruction, discrimination means the illegal treatment of a person or group based on handicap, race, color, national origin, age, religion, or sex. Sex discrimination refers to the practice of wrongfully treating men and women differently in the workplace, solely because of their sex. The Supreme Court has held that sexual harassment of both men and women is a form of sex discrimination.

4. Hostile Environment

A type of sexual harassment that occurs when the unwelcome sexual behavior of one or more persons in a workplace produce a work atmosphere which is offensive, intimidating, or abusive to another person using the reasonable person standard.

5. "Quid Pro Quo" or "This for That."

A type of sexual harassment that occurs when submitting to or rejecting such behavior is used as a basis for decisions affecting any person's employment, job, pay, or career. This could be a promise of employment, a promotion, training, a threat of or an actual demotion, a duty assignment, or a positive or negative performance evaluation.

6. Reasonable Person Standard.

An objective test used to determine if behavior constitutes sexual harassment. This standard considers what a reasonable person's reaction would have been under similar circumstances and in a similar environment. The reasonable person standard considers the recipients' perspective and not stereotyped notions of acceptable behavior. For example, a work environment in which sexual slurs, the display of sexually suggestive calendars, or other offensive sexual behavior abound can constitute sexual harassment even if other people might deem it to be harmless or insignificant.

7. Recipient.

Anyone subjected to sexual harassment as defined in this instruction.

8. Reprisal.

The wrongful threatening or taking of either unfavorable action against another or withholding favorable action from another solely in response to a report of sexual harassment or violations of this instruction.

9. Severe or pervasive.

These terms derive their meaning in the context of the conduct engaged in and the surrounding facts and circumstances. Obvious examples of severe conduct include indecent assaults or offensive requests for sexual favors. Pervasive conduct is that which is repeated or widespread, or evidences a pattern.

10. Sexual Favors:

Sexual privileges that are granted or conceded in the work environment.

11. Sexual Nature.

Conduct that a reasonable person would find sexual in nature in light of the relevant facts and circumstances. Behavior does not need to be overtly sexual if it creates an offensive work environment. Examples include but are not limited to sexist remarks or slurs, sexual advances, displays of pornographic material, touching, language, gestures, mannerisms, and similar behavior.

12. Unwelcome.

Conduct that is not solicited and which is considered objectionable by the person to whom it is directed and which is found to be undesirable or offensive using a reasonable person standard.

13. Work Environment.

The workplace or any place that is work-connected, as well as the conditions or atmosphere under which people are required to work. Examples of work environment include, but are not limited to, an office, an entire office building, a DOD base or installation, DOD ships, aircraft or vehicles, anywhere when engaged in official DON business, as well as social, recreational, and sporting events, regardless of location.

IN CONCLUSION...

The Informal Resolution System depends on you and your commitment to resolve conflict early and at the lowest possible level. You can resolve conflict without making a big incident out of it by using the Informal Resolution System in your workplace.

Make the system work for you. Treat others with dignity and respect, ask questions that get to the heart of concerns, listen to what is really being said, and try to understand the other person's point of view.

If you have been offended by someone, remember - how you communicate can be as important as what you communicate. Focus on describing the behavior that caused the offense rather than characterizing the individual's personality. Be clear about the impact of the behavior on you.

If you have offended another, make a sincere apology. It may not be easy to apologize. Remember, an apology is not an admission of guilt or wrong doing, you simply accept that the recipient was offended and take action to resolve that conflict. If you are the recipient, accept the apology in the spirit in which it was intended.

If you are a third party, the nature and severity of the conflict will influence your decision of the best approach to help resolve conflict. If you decide to intervene on another's behalf, listen to both parties and keep an open mind. Your role is very important to informal resolution at the lowest level.

This booklet provides you with the skills and information you'll need to resolve conflict. But only you, regardless of your role, can make it work. Do not ignore conflict, review your resolution options, and take action to reach resolution.